

REMARKS

Claims 1-10 are all the claims pending in the present application. Claims 2, 3, 5, 6, 8, and 9 are withdrawn from consideration¹. The Examiner found the arguments set forth in the Response dated February 14, 2006, to be persuasive. However, in the present Office Action, the Examiner simply removes Mimura as a secondary reference to support the rejections of the claims, and maintains the previously applied references. Specifically, claims 1 and 10 are now rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Yoshinobu (JP 2002084724) (relying on EP 1482625 for translation). Claim 4 is now rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yoshinobu in view of Kitazawa (JP 09065617). Finally, claim 7 is now rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yoshinobu in view of Maestre (US Patent No. 5,300,884).

§102(a) Rejections (Yoshinobu) - Claims 1 and 10

With respect to independent claim 1, the Examiner no longer applies Mimura as a secondary reference in combination with Yoshinobu to support the rejection of claim 1. However the Examiner now alleges that Yoshinobu alone satisfies the limitation, “wherein said rotary shaft itself is constituted to be magnetic flux interrupting means made of a non-magnetic material for interrupting leakage flux passing onto said rotary shaft as a result of excitation of a rotor coil wound on said rotor core,” as recited in claim 1. Specifically, the Examiner alleges that numbered paragraph 25 of EP 1482625 (which is a corresponding translation of Yoshinobu)

¹ Claims 2, 3, 5, 6, 8, and 9 have not been canceled. The Examiner mistakenly indicates that only claims 1, 4, 7, and 10 are pending. Applicants submit that claims 2, 3, 5, 6, 8, and 9 are readable on elected Species I (Fig. 1), as indicated in the Response to Election of Species dated April 4, 2005.

satisfies the above-quoted feature. However, numbered paragraph 25 only teaches that a coupling 32, which is filled with, or bound by, a mass of non-magnetic material 33, is a magnetic flux interrupting means. Nowhere does Yoshinobu disclose or suggest that the rotary shaft itself is constituted to be magnetic flux interrupting means.

Furthermore, Applicants submit that the Examiner previously acknowledged that Yoshinobu does not satisfy the above-quoted feature, and now contradicts his previous rationale. Therefore, at least based on the foregoing, Applicants submit that Yoshinobu does not anticipate claim 1.

Applicants submit that dependent claim 10 is patentable at least by virtue of its dependency from independent claim 1.

Further, with respect to dependent claim 10, Applicants submit that the coupling 32, which provides the magnetic resistance, only decreases magnetic flux leakage from a first rotatable shaft 12 to a second rotatable shaft 30 (*see numbered paragraph 25*), however there is no interrupting of leakage flux passing *from a rotor to a turning angle detector*. At least based on the foregoing, Applicants submit that Yoshinobu does not anticipate claim 10.

§103(a) Rejections (Yoshinobu / Kitazawa) - Claim 4

Applicants submit that dependent claim 4 is patentable at least by virtue of its dependency from independent claim 1. Kitazawa does not make up for the deficiencies of Yoshinobu.

§103(a) Rejections (Yoshinobu / Maestre) - Claim 7

Applicants submit that claim 7 is patentable at least by virtue of its dependency from independent claim 1. Maestre does not make up for the deficiencies of Yoshinobu.

RESPONSE UNDER 37 C.F.R. § 1.111
U. S. Application No. 10/665,115

ATTORNEY DOCKET NO. Q77538

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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